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EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,512

Applicant(s)

HANEY ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blount et al. in view of the Mid-Continent Water Well Casings and Screens Catalog. Blount et al. discloses a pipe 72 of predetermined interior diameter that has lateral strength (provided by the length of 72 where threads 76 are placed) when connected to a similar adjacent pipe 68, the pipe comprising;

A male end (portion of 72 similar to where 78 is pointing on 68) of the pipe which has external threads;

A female end of the pipe 77;

A first enlarged interior diameter (part of 72 where 78 is pointing) of the pipe at the female end, the first enlarged interior diameter being larger than the predetermined interior diameter and having internal threads (threads to the left of 74) to mate with the external threads of the male end for the similar adjacent pipe (threads on 68 just above where 78 is pointing);

a second enlarged interior diameter (where 76 is pointing) being larger than the first enlarged interior diameter (part of 72 where 78 is pointing) and terminating the pipe at the female end 77, the second enlarged interior diameter being slightly larger in diameter than the male end of the similar adjacent pipe to receive the male end therethrough and long enough to

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provide the lateral strength when connected to the similar adjacent pipe (the length of 72 where threads 76 are placed is as long as exterior threaded section on 68 just above where 78 is pointing), the second enlarged interior diameter being at least long enough to receive most of the external threads from the similar adjacent pipe therein before threading;

the male end and the second enlarged interior diameter at the female end funneling the pipe and the similar adjacent pipe together (the tip of 68 is tapered and 72 is tapered just below where 79 is pointing);

the pipe 72 being reusable. Blount et al. also teaches making the pipe out of corrosion resistant material so that the pipe will not corrode from the fluid passing through its interior. The Mid-Continent Water Well Casings and Screens Catalog teaches using well pipes made of PVC in order to provide "a smooth corrosion resistant material used for potable water systems". As the Blount pipe is designed to be corrosion resistant it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the pipe material of Blount to include PVC, as taught by the Mid-Continent Water Well Casings and Screens Catalog, in order to provide a corrosion resistant material that can be used for potable water systems.

In regard to claim 19, the male end is beveled to aid the funneling (see just below 79).

In regard to claim 20, it is a product by process claim, and therefore the process of creating the first enlarged interior diameter is given little patentable weight. As long as the prior art contains all of the same structural limitations as that of the claimed invention, the prior art is deemed to anticipate the disclosed invention.

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In regard to claim 21, the pipe will withstand approximately 1000 pounds of lateral force without leaking because Blount et al. in view of the Mid-Continent catalog discloses a pipe with the same structure as the applicant's invention that is also made of the same material.

In regard to claim 23, the external threads and the internal threads are rectangularly threaded.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blount et al. in view of Singleton.

Blount et al. discloses a pipe assembly as described above. However, Blount et al. does not disclose that the threads on the base are triangular. Singleton teaches using triangular threads on a pipe assembly connection in order to facilitate a backing off of the separate pipe components. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the threads of Blount et al. to include triangular threads, as taught by Singleton, so that a pipe assembly connection could be created which could be easily separated when upon disassembly.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blount et al.

Blount et al. discloses a pipe 72 of predetermined interior diameter that has lateral strength (provided by the length of 72 where threads 76 are placed) when connected to a similar adjacent pipe 68, the pipe comprising;

A male end (portion of 72 similar to where 78 is pointing on 68) of the pipe which has external threads;

A female end of the pipe 77;

A first enlarged interior diameter (part of 72 where 78 is pointing) of the pipe at the

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female end, the first enlarged interior diameter being larger than the predetermined interior diameter and having internal threads (threads to the left of 74) to mate with the external threads of the male end for the similar adjacent pipe (threads on 68 just above where 78 is pointing);

a second enlarged interior diameter (where 76 is pointing) being larger than the first enlarged interior diameter (part of 72 where 78 is pointing) and terminating the pipe at the female end 77, the second enlarged interior diameter being slightly larger in diameter than the male end of the similar adjacent pipe to receive the male end therethrough and long enough to provide the lateral strength when connected to the similar adjacent pipe (the length of 72 where threads 76 are placed is as long as exterior threaded section on 68 just above where 78 is pointing), the second enlarged interior diameter being at least long enough to receive most of the external threads from the similar adjacent pipe therein before threading;

the male end and the second enlarged interior diameter at the female end funneling the pipe and the similar adjacent pipe together (the tip of 68 is tapered and 72 is tapered just below where 79 is pointing);

the pipe 72 being reusable. Blount et al. also teaches making the pipe out of corrosion resistant material so that the pipe will not corrode from the fluid passing through its interior, but Blount et al. does not disclose that the pipe is made from PVC. However, it would have been obvious to make the pipe out of corrosion resistant PVC because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

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Response to Arguments

3. Applicant's arguments filed on 8/11/03 have been fully considered but they are not persuasive. Applicant argues that Blount is for well casing and not for a type of drop pipe like the present invention. However, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). As explained above, there are no structural differences between Blount et al. and the claimed invention.

Applicant also argues that Blount et al. does not have a second enlarged interior diameter that receives most of the external threads therein before threading. However, as explained above, Blount et al. discloses a 2nd interior section (threaded section 76) that receives most of the external threads (external threads above 78) therein before threading.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mastro, Oliver, Abegg, and Kane et al. all disclose similar pipes common in the art.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
August 14, 2003